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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,432	05/31/2000	Aniruddha P. Joshi	INTL-0361-US	1856

7590 03/01/2004  
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Houston, TX 77024

EXAMINER
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HSIA, SHERRIE Y

ART UNIT	PAPER NUMBER
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2614

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DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/583,432

**Applicant(s)**

JOSHI ET AL.

**Examiner**

Sherrie Hsia

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-11,13-15,17-20 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5,7-11,13-15 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. In view of the appeal brief filed on 12/1/03, PROSECUTION IS HEREBY REOPENED.

New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

3. Claims 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Brusky (6285406), of record.

As to claim 31, Brusky discloses all the claimed subject matter, the claimed enabling a processor-based system to transition from a lower power consumption state to a higher power consumption state in response to operation of a television receiver **is met by pressing the power button 132 of the television receiver (100) (which means operation of the television**

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receiver), causing the sub-system 115 to transition from the suspend state to the on state (column 5, lines 30-39, column 7 lines 22-24).

As to claim 32, Brusky discloses the claimed subject matter, the claimed transitioning the processor-based system between different power consumption states in response to operation of a power button is met by pressing the power button 132, changing the sub-system from the suspend state to the on state (column 2 lines 32-34, column 4 lines 39-41, column 5, lines 27-30, column 7 lines 18-20) and by pressing the power button 132, changing the sub-system from the on state to the suspend state (column 2 lines 32-34, column 4 lines 39-41, column 5, lines 22-25, column 7 lines 18-20).

As to claims 33 and 34, the claimed transitioning the system between power consumption states in response to the amount of activity on the processor-based system and transitioning the processor-based system based on activity surrounding the processor-based system are disclosed by Brusky (column 4 lines 23-43).

4. Claims 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyagawa (4989081).

As to claim 31, Miyagawa discloses all the claimed subject matter, the claimed enabling a processor-based system to transition from a lower power consumption state to a higher power consumption state in response to operation of a television receiver is met by pressing the power button of the remote commander 7, the control signals emitted from the remote commander are supplied through the television receiver (6) to bus lines 4 and 21 (which means the television receiver is operated), causing the VTR 10 to transition from the OFF

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state to the on state (Fig. 1, column 3, lines 39-49, column 4 lines 8-16, column 6 lines 2-11, lines 57-61).

As to claim 32, Miyagawa discloses the claimed subject matter, the claimed transitioning the processor-based system between different power consumption states in response to operation of a power button is met by pressing the power button of the remote commander 7, changing the VTR from the off state to the on state and on state to the off state (column 4 lines 8-16, column 6 lines 2-11, lines 57-61, column 6 lines 21-22, Figs. 14A, 14B).

As to claim 33, the claimed transitioning the system between power consumption states in response to the amount of activity on the processor-based system is met by when the LED 47 is blinking, i.e. the control information is supplied to the bus line 4, the VTR is turned on or vice versa (column 9 lines 50-63, column 6 lines 9-11).

As to claim 34, the claimed transitioning the processor-based system based on activity surrounding the processor-based system is met by switching on or off the VTR based on the viewer depresses the power button of the remote commander 7 (column 6 lines 21-22, lines 57-63).

5. Claims 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Klosterman (5923362).

As to claim 31, Klosterman discloses all the claimed subject matter, the claimed enabling a processor-based system to transition from a lower power consumption state to a higher power consumption state in response to operation of a television receiver is met by the user selects a television show for recording with remote 32 (which means operation of the television

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receiver), causing the VCR 24 to transition from the off state to the on state (column 8 lines 46-54).

As to claim 32, the claimed transitioning the processor-based system between different power consumption states in response to operation of a power button **is inherently included in Klosterman (column 4 lines 37-39).**

***Claim Rejections - 35 USC § 103***

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brusky in view of Mahvi (6259486), both of record.

Brusky does not show the claimed detecting motion around the processor-based system. Mahvi shows a motion sensor (18) for sensing presence of a living being (column 2 lines 18-23, lines 39-42) to control operation of a television set. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brusky by utilizing a motion sensor as taught by Mahvi to control the PC/TV system in order to conserve resources otherwise expended as a result of non-viewed operating sets.

7. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagawa in view of Mahvi (6259486), of record.

Miyagawa does not show the claimed detecting motion around the processor-based system. Mahvi shows a motion sensor (18) for sensing presence of a living being (column 2 lines 18-23, lines 39-42) to control operation of a television set. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyagawa by

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utilizing a motion sensor as taught by Mahvi to control all home apparatus in order to conserve resources otherwise expended as a result of non-viewed operating sets.

***Allowable Subject Matter***

8. Claims 1, 3-5, 7-11, 13-15 and 17-20 are allowable over prior art.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knudson discloses a program guide system for recording television programs.

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Shin shows a power control method for set top box.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrie Hsia whose telephone number is (703) 305-4738.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this final action should be mailed to:**

Box AF  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.



Sherrie Hsia  
Primary Examiner  
Art Unit 2614

SH  
February 23, 2004